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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,405	02/08/2002	Frans Andreas Gerritsen	NL010106	1656
24737 7590 07/02/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER TUCKER, WESLEY J				
ART UNIT		PAPER NUMBER		
2624				
MAIL DATE		DELIVERY MODE		
07/02/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/071,405

Applicant(s)

GERRITSEN ET AL.

Examiner

WESLEY TUCKER

Art Unit

2624

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 June 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1 and 4-9 are rejected.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Matthew C Bella/
Supervisory Patent Examiner, Art Unit 2624

Continuation of 11, does NOT place the application in condition for allowance because:

Applicant argues that the reference to Pieper does not disclose claimed features of the claim. Specifically Applicant argues that because Pieper does not explicitly discuss edges in identifying structures in reconstructed 3D slice images, that edges are not disclosed. Examiner disagrees.

The whole purpose of the invention of Pieper is to create reconstructed image slices in a direction different from the sampled image slices (column 14, lines 25-37). Pieper teaches that images are generated or reconstructed using data from slice images in a different direction through well known techniques known in the art. These techniques most likely use interpolation for recreating an image from a series of slice images. It is also a primary object of Pieper's invention to identify anatomical structures or regions of interest in both multiple interesting slices and in the 3D model image data (column 14, lines 56-67 and column 15, lines 22-63). Pieper teaches that markers are used in the image and the location of the marker is known in the other corresponding 2D slices and the 3D model image which are all simultaneously displayed to the user or physician. Furthermore when an object or anatomical structure or region of interest is identified in one 2D slice, it is identified in the other corresponding 2D slices, which have been reconstructed or generated (column 15, lines 48-63).

Therefore Pieper teaches a comprehensive system of 3D modeling with both sampled reconstructed 2D slices to identify regions of interest such as anatomical structures, markers, blood vessels or any other object. It should be noted that edges are inherently identified when the anatomical structure or object of interest is identified in the corresponding 2D slices. There can be no object of interest or anatomical structure without the known location of identified edges which define such a structure. Indeed there is no structure to be identified without edges that define such structures. Applicant argues that identifying edges is not inherent to identifying structures in images. The question remains then, how does Pieper identify structures in the 3D reconstructed images without edges? The answer is that it is impossible to identify a structure without identifying the edges that define the structure. Applicant is encouraged to provide an example of how a structure might be identified in a 3D reconstructed image without identifying edges defining the structure.

With regard to Applicant's arguments regarding "segmenting a region of interest", see Figures 17-24 and corresponding disclosure. The purpose of 3D reconstructed imagery in Pieper is explicitly to examine regions of interest.

The rejection in view of Pieper is maintained and remains FINAL.

The 101 rejection of claim 8 is overcome by the amendment and is accordingly withdrawn.

With regard to Applicant's refusal to add section headers to format the specification, the objection is withdrawn, but however remains as Examiner's suggestion.